

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 2205 of 1986

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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SADHU PARVATIBEN CHHAGANDAS

Versus

DEAN

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Appearance:

MR CC TRIVEDI for Petitioner

M/S MG DOSHIT & CO for Respondent No. 1

Miss SJ MANDAVIA, APP for Respondent No. 3

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CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 09/05/96

ORAL JUDGEMENT

Miss. Mandavia for the respondent No.3 is present. The matter was called in the first round, then in the second round and lastly in the third round, but none appears for the petitioner. Perused Special Civil Application and heard Miss. Mandavia for the respondents. It is a case for fixing permanent appointment of the petitioner. Grievance of the petitioner is that his service was terminated from 2/8/1984 which is illegal and arbitrary. The petitioner was given appointment for 29 days with effect from

9/10/1983. The petitioner's grievance is that by giving artificial brake, he was continued upto 2/8/1984. The petitioner challenged his termination before the Gujarat Service Tribunal at Gandhinagar by preferring an appeal and Tribunal rejected the said appeal on 25th June, 1985. That order of Tribunal is under challenge in this special civil application.

After going through the order of the Tribunal, I am satisfied that no illegality has been committed by the Tribunal in rejecting the appeal of the petitioner. It is a fixed term appointment which can be terminated on expiry of that term. Even otherwise also, if it is taken to be a continuous service, I failed to see that what right the petitioner acquired to continue in post on the temporary appointment. By working for few years or more, the petitioner does not acquire any right much less any fundamental right to hold the post in question. It is a settled law that temporary Government Servant does not become permanent, unless he acquires that capacity by rules or declared as permanent servant. A reference in that respect may have in this case Madhya Pradesh Hasta Shilpa Vikas Nigam Limited Vs. Devendra Kumar Jain and Ors. , reported in JT 1995 (1) SC 198. So taking into consideration the view taken by the Appex Court from this angle, none of the rules much less any fundamental rules has been infringed, as it is a fixed term appointment which can be terminated by efflux of time and certainly by working for some or more than years, he does not acquire any right of permanency in the employment.

In the result, the petition is dismissed. Rule is discharged.